

### **REMARKS/ARGUMENTS**

Claims 1-52 were pending at the time of the mailing of the Office Action. Claims 1-6, 8, 14-18, 21-34, 41, 51, and 52 were under consideration. By this amendment, claim 18 has been cancelled without prejudice or disclaimer as to the subject matter contained therein. Claims 1, 6, 8, 14-18, 30-34, and 51-52 have been amended.

In the Office Action of July 19, 2004, claim 18 was objected to as being in improper multiple dependent form and claims 14-17 were objected to as being of improper dependent form. The Examiner rejected claims 6, 8, 14-17, and 30-34 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected claims 1-3, 5, 21 and 25 under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Atala (2003/0208279). Under 35 U.S.C. § 103(a), the Examiner rejected claims 4, 22-24, and 26-29 as being unpatentable over Atala. Claims 1, 2, 5, 6, 25, and 30 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Turi (5,556,414). Under 35 U.S.C. § 103(a), the Examiner rejected claims 4, 8, 22-24, 26-29, 32-34 and 41 as obvious over Turi. Claims 31 and 33 were rejected under 35 U.S.C. § 103(a) as obvious over Turi in view of Atala. Claims 14-17 and 51-52 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Berg (5,680,873).

In response to the objections to the claims, amendments have been made to the preambles of claims 14-17 to place these claims in proper dependent form. Claim 18 has been cancelled without prejudice or disclaimer as to the subject matter contained therein. Therefore, withdrawal of the objections to these claims is requested.

Claims 6, 8, 14-17 and 30-34 were rejected under 35 USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner considered the phrase "portion wise manner" to be unclear in claims 6 and 30-34. While the Applicants consider this phrase to be clear in meaning, in the interest of economy of time in the prosecution of this application, these claims have been amended to substitute the equivalent phrase "at least

a portion of...” Claim 8 has been amended to depend from claim 6, which recites “a hardening agent.” Therefore, this term now has proper antecedent basis in claim 8. Claims 14-17 and 51-52 have been amended to recite a combination of a catheter and a stent in their preambles. Therefore, the Applicants maintain that claims 6, 8, 14-17 and 30-34, as amended, satisfy the requirements of 35 USC § 112, second paragraph. Withdrawal of this rejection is respectfully requested.

Claim 1 has been amended to specify that in a first condition, one part of the stent is disposed inwardly relative to a second part of the stent. Support for this amendment may be found in Figs 1-2, and 4a as well as paragraphs 0055, 0059, and 0068. Atala provides a “substantially cylindrical” stent (Atala, paragraphs 0015, 0020, 0026, 0034, and 0039). Likewise, Turi discloses a vein segment attached to a cylindrical shaped member to form a composite graft (Turi, abstract). Numerous stent designs are disclosed by Turi, but none teach or suggest a stent having a configuration in a first condition where a first part is disposed inwardly relative to a second part as provided by the present invention. Neither Atala nor Turi, either individually or in combination, teach or suggest a stent comprising human or animal tissue of adequate elasticity in which the stent is configured in a first condition such that a first part is disposed inwardly relative to a second part. Therefore, claim 1, as amended, patentably distinguishes over the cited prior art. Claim 1 has also been amended to eliminate a potential lack of clarity with the use of the phrase “in particular, a coronary stent.”

Likewise, claims 2-6, 8, 14-17, 21-34, 41, 51, and 52, which depend from and contain all the limitations of claim 1, also distinguish over the cited prior art. Additionally, the dependent claims provide additional limitations not taught or suggested by the prior art. For example, claim 6 provides at least a first component of a hardening agent provided on at least a portion of the first wall portion of the stent. While the Examiner indicated that an adhesive as provided by Turi satisfied the limitation of a hardening agent, he provided no support for such equivalence, which is outside the ordinary meaning of these terms. An “adhesive” is defined by the Merriam Webster Online Dictionary ([www.m-w.com](http://www.m-w.com)) as “an adhesive substance (as glue or cement)” while the adjective form of “adhesive” is defined as “tending to adhere or cause adherence.” To adhere is “to hold fast or stick by or as if by gluing, suction, grasping, or fusing.”

"Harden" is defined as "to make hard or harder." Clearly, these terms are not synonymous.

Claims 14-17, 51 and 52 were judged by the Examiner not to include the stent as part of the claimed combination, and therefore anticipated by, or obvious over Berg. As mentioned above, these claims have been amended to recite a combination of a stent (as set forth in claim 1) and a catheter. Such a combination is not taught or suggested by Berg. Therefore, withdrawal of this rejection is respectfully requested.

As the Applicants maintain that generic claims 1-6, 8, 14-17, 21-34, 41, 51, and 52 patentably distinguish over the cited prior art, rejoinder of the non-elected claims of group I, claims 7, 9-13, 35-40 and 42-50, is also requested.

The outstanding Office action was mailed on July 19, 2004. The Examiner set a shortened statutory period for reply of 3 months from the mailing date. Therefore, no extension of time or accompanying fee is believed to be due in making this response. In this response, one claim has been cancelled and no claims have been added. Therefore, no additional fees are believed to be due. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,



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